

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15482 of 2004

Between:

Smt. K. Vijaya Lakshmi, W/o. K. Venkateswar Rao,
R/o. 8-2-293/K/307, Circle-V Block No. 3, Kamalapuri
Colony, Jubilee Hills Road, Hyderabad.

..... PETITIONER

AND

- 1 The Commissioner of Police, Basheerbagh, Hyderabad.
- 2 The Deputy Commissioner of Police, West Zone, Hyderabad.
- 3 The Assistant Commissioner of Police, Banjara Hills P.S., Hyderabad.
- 4 The Circle Inspector of Police, P.S. Banjara Hills, Hyderabad.
- 5 The Sub Inspector of Police, P.S. Banjara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents Nos.3 to 5 in illegally throwing the petitioner out of the premises bearing No.8-2-293/K/307, Kamalapuri Colony, Jubilee Hills Road, Hyderabad and illegally taken away the entire tiffin center articles during the subsistence of the Status-quo orders passed in I.A.No. 1312/2003 in O.S.No. 282/2003 dt. 29-8-2003 on the file of the IV Senior Civil Judge, City Civil Court, Hyderabad as illegal, arbitrary, unconstitutional and violative of Articles 16,19 and 21 of the constitution of India and consequently direct the Respondent Nos. 1 and 2 herein to forthwith take appropriate action against the Respondent Nos. 3 to 5.

Counsel for the Petitioner: MR.D.RAMAN GOPAL (Not present)

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

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ORDER:

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None appears for the petitioner. Heard the learned Government Pleader for Home appearing on behalf of the respondents.

This writ petition is filed questioning the action of respondent Nos. 3 to 5 in illegally throwing the petitioner out of the premises bearing No. 8-2-293/K/307, Kamalapuri colony, Jubilee Hills road, Hyderabad and in illegally taking away the entire tiffin center articles during the subsistence of the status quo orders passed in I.A. No.1312 of 2003 in O.S.No.282 of 2003, dated 29-8-2003 on the file of the IV Senior Civil Judge, City Civil Court, Hyderabad, as illegal and arbitrary, and consequently to direct respondent Nos.1 to 2 to forthwith take appropriate action against respondent Nos.3 to 5.

The petitioner claims to be tenant of the premises in question. It is stated that she has been running a tiffin center in the said premises. She states that on 24-8-2004 at about 10.00 p.m. her landlord along with 23-25 goondas attacked and illegally trespassed into the premises and damaged her belongings and took away some of the items. She states that when they gave a complaint regarding the incident, the Banjara Hills police registered a crime against three accused only whereas the attackers are 23-25 in number. She states that on 25-8-2004 respondent Nos.3 to 5 along with some policemen came to the premises, and though she showed the status quo order granted in her favour by the IV Senior Civil Judge, Hyderabad in respect of the premises, they took away all the remaining tiffin center articles and locked the premises illegally. Hence, the writ petition.

A counter-affidavit is filed on behalf of the respondents denying the allegations made in the affidavit filed in support of the writ petition. It is stated that there are disputes between the petitioner and the owner of the premises one Manyam

Rajeshwari Devi. It is stated that the owner of the premises by using anti-social elements evicted the petitioner forcibly from the premises on 24-8-2004 at about 10 p.m. and thereafter the husband of the petitioner made a complaint before respondent No.5 about the illegal action of the owner and the same was registered as a case in Cr.No.595 of 2004 on the file of Banjara Hills police Station, and the police arrested the persons and also seized the articles. The allegation that the petitioner produced the status quo order granted by the IV Senior Civil Judge, City Civil Court, Hyderabad in her favour, is not true. It is stated that the police are not aware of filing of the suit by the petitioner till now. It is stated that the articles seized on 24-8-2004 will be deposited in the court and the petitioner can take back those articles through Court. It is stated that the police did not lock the premises on 25-8-2004 since the police never visited the scene of offence except on 24-8-2004, and therefore the plea of the petitioner to direct the respondents to hand over the keys cannot be accepted. Thus, the respondents pray to dismiss the writ petition.

Having regard to the above averments in the counter-affidavit filed on behalf of the respondents, no orders are required to be passed in this writ petition. Accordingly, the writ petition is dismissed. No costs.

N.V. RAMANA, J

Date: 26-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Commissioner of Police, Basheerbagh, Hyderabad.
- 2 The Deputy Commissioner of Police, West Zone, Hyderabad.
- 3 The Assistant Commissioner of Police, Banjara Hills P.S., Hyderabad.
- 4 The Circle Inspector of Police, P.S. Banjara Hills, Hyderabad.
- 5 The Sub Inspector of Police, P.S. Banjara Hills, Hyderabad.

6 Two Ccs. to the Government Pleader for Home, High Court Buildings,
A.P., Hyderabad (OUT).

7 Two CD copies

*Form-NIC-OGS/WP{**RLD**}*